



24 SEP 2018

Grace Haden

fyi-request-8414-cfca171a@requests.fyi.org.nz

Dear Ms Haden,

Official Information Act 1982 request: regarding the Private Security Personnel Licensing Authority

Thank you for your email of 1 August 2018 to Hon Andrew Little, Minister of Justice, requesting the following information, under the Official Information Act 1982:

1. *Evidence of the authority existing as a tribunal*
2. *Any documents, discussion papers, or reports which support the allegation by the PSPLA that it is a tribunal*
3. *The previous "Authority" Mr Gill was not a solicitor as he did not hold a practising certificate, please provide all copies of documentation which consider his ability to hold office despite the requirements of section 89*

Your request was transferred to my office on 6 August 2018, as the matters you raise fall within my portfolio responsibilities as Associate Minister of Justice. The due date was extended by 15 working days under section 15A of the Official Information Act in order to consult with other parties regarding the information in your request. This extension made the new due date of your request 24 September 2018.

Matters 1 and 2:

The Private Security Personnel Licensing Authority is a tribunal. Tribunals are mechanisms for resolving disputes and assessing specific cases. They also work as regulatory bodies, issuing licences and certificates. Each tribunal is established by legislation which sets out the functions, powers and the extent of its authority or jurisdiction. In this case the tribunal is established by sections 87 and 88 of the Private Security Personnel and Private Investigators Act 2010 (the Act).

The Act grants the Authority power to issue licences and certificates of approval, discipline licence and certificate holders, and keep the register of licence and certificate holders. The Law Commission has previously explored the subject of tribunals, including the Private Security Personnel Licensing Authority. You can find that work on its website: <http://www.lawcom.govt.nz/our-projects/unified-tribunal-framework>

Matter 3:

Appendix 1 lists the documents within the scope of your request that are being released. I have also included information relating to the nature of the legal advice regarding Mr Gill's qualification.

Some documents contain material outside the scope of the request. Only relevant portions of these documents have been released. Personal details have been withheld from documents as appropriate, in reliance on s 9(2)(a) of the Act, which relates to the protection of the privacy of natural persons. One document is legally privileged and is therefore withheld under s 9(2)(h) of the Act in order to maintain legal professional privilege.

In accordance with s 9(1) of the Act, I am satisfied that there are no other public interest considerations that render it desirable to make the withheld information available.

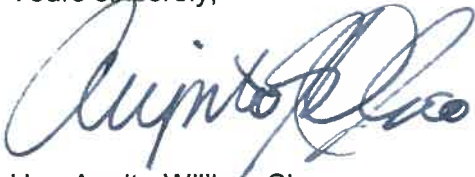
My officials have advised me that they corresponded with you previously on 12 October 2016. As part of that correspondence, they noted that in recommending Mr Gill's appointment to the Minister, they were satisfied on the basis of legal advice that Mr Gill was qualified for the position. This is because Mr Gill resigned from his role as a public servant, and had been admitted to the High Court of New Zealand as a barrister and solicitor in 1980. The form of the legal advice was verbal rather than written. The validity of Mr Gill's appointment was confirmed by the District Court in the decision at [23] of *Haden v Private Security Personnel Licensing Authority* on 2 November 2016.

You have the right under section 28(3) of the Act to complain to the Office of the Ombudsmen about the response to your request. Any complaint must be in writing. Contact details for the Office of the Ombudsman are:

Office of the Ombudsman
PO Box 10152
Wellington
Email: info@ombudsman.parliament.nz

I hope this information is of assistance to you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'William Sio', is written over a faint, illegible printed name.

Hon Aupito William Sio
Associate Minister of Justice

Appendix 1 – Table of documents within the scope of the request

Number	Document description	Decision on release
1	Report of the Interview Panel	Some information withheld in reliance on section 9(2)(a) Some information withheld as Out of Scope
2	Briefing Paper recommending the appointment of Mr Gill	Some information withheld in reliance on section 9(2)(a) Some information withheld as Out of Scope
3	Attachment to Briefing Paper recommending the appointment of Mr Gill	Some information withheld in reliance on section 9(2)(a) Some information withheld as Out of Scope
4	Letter of appointment for Mr Gill	Some information withheld in reliance on section 9(2)(a) Some information withheld as Out of Scope
5	Cabinet Paper-APH (14) 2: Private Security Personnel Licensing Authority: Reappointment	Some information withheld in reliance on section 9(2)(a)
6	Letter of reappointment for Mr Gill	Some information withheld in reliance on section 9(2)(a)
7	Legal Advice	Withheld in full under section 9(2)(h)
8	Previous correspondence with Ms Haden	Some information withheld in reliance on section 9(2)(a)

**PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY AND
DEPUTY AUTHORITY**

Report of the Interview Panel

Purpose

1. This is the report of a selection panel that was established to provide a recommendation to the Associate Minister of Justice, Hon Nathan Guy, in respect of the positions of the Private Security Personnel Licensing Authority (the Authority) and Deputy Authority as provided for by the Private Security Personnel and Private Investigators Act 2010 (the Act).
2. The panel recommends, in order of preference, the following candidates as highly suitable for appointment as the Authority:
 - Mr Roger GILL
[s 9(2)(a)]
3. The panel considers that while any one of the interviewed candidates could adequately fulfil the Deputy Authority position, the most suitable candidates, in order of preference, were:
[s 9(2)(a)]

Background

4. Section 87(1) of the Act provides that the Governor-General may, on the recommendation of the Minister of Justice, appoint a person to be the Authority. The Authority is appointed for a term of three years and may be reappointed.
5. The appointee must be a barrister or solicitor of the High Court of not less than five years standing and the office of the Authority may be held concurrently with any other office except a public service position.
6. The Governor-General may, on the recommendation of the Minister of Justice, appoint one or more Deputy Authorities should the Authority be unable, due to absence, to exercise the functions of office, or the amount of work is more than can reasonably be done by one person. The Deputy Authority is appointed for a fixed term and has all the powers, duties and functions of the Authority, subject to the control of the Authority.
7. The functions of the Authority are:
 - to consider applications for licences and certificates of approval and the issue of licences and certificates of approval
 - to discipline licensees and certificate holders when required
 - to keep registers of licensee and certificate holders.

/

8. Ministry of Justice predicted caseload analysis indicates that a full-time Licensing Authority will be required in the initial 12 months following commencement of the Act. This is likely to reduce to 60-80% of full-time in subsequent years.
9. It is expected that there will be an increased number of license applications to be considered prior to the Rugby World Cup and that a Deputy Authority will be required in the first nine months following commencement.

Process

10. The positions were advertised in three major daily newspapers and in the New Zealand Law publication, *Law Talk*, in October and November 2010. Nominations were sought from the Associate Minister's Caucus colleagues and the New Zealand Security Association and the New Zealand Institute of Professional Investigators were advised. Candidates were asked to submit a full curriculum vitae and complete a self assessment against the competencies contained in the position description. Fourteen expressions of interest were received.
11. An initial assessment was coordinated by the Ministry's Office of Legal Counsel and seven candidates were approved for interview by the Associate Minister of Justice.

Interviews

12. Interviews were held on 18 and 27 January 2011, in Wellington.
13. The panel comprised:
 - [s 9(2)(a)] retired District Court Judge (Chair)
 - [s 9(2)(a)] Manager, Commercial, Property and Regulatory Team, Ministry of Justice and
 - [s 9(2)(a)] Manager Tribunals, Ministry of Justice.
14. A representative from the Ministry's Office of Legal Counsel attended the interviews in a recording capacity.

Assessment

15. As well as being a barrister or solicitor of the High Court of not less than five years' experience (and holding a current practising certificate as a barrister/solicitor), the appointees must not be public servants.
16. In addition, the appointees should have:
 - familiarity with the governing legislation
 - proven ability to make balanced, reasonable and defensible decisions
 - experience in a decision-making role and/or working within a statutory framework
 - highly effective oral and written communication skills
 - excellent organisational skills
 - personal honesty and integrity; and
 - impartiality, open mindedness and good judgement.

17. The panel considered each candidate against the criteria for appointment set out above.

Candidates

18. A brief summary of each candidate's background and the panel's assessment, are set out below. Candidates have been rated as highly suitable for appointment, suitable or not suitable for appointment and are listed below in order of preference.

19. **Roger GILL, [s 9(2)(a)] LLB BA:**

Mr Gill was admitted in 1980. He has 16 years experience as Chief Executive of four national organisations and for the past 12 years has been the Registrar of the Wellington High Court. As the Registrar, Mr Gill has presided over probate matters and cost revisions.

20. Mr Gill has an impressive range of legal skills, management and work experience. He had prepared very well for the interview and the panel was impressed by his understanding of the quasi judicial nature of the Authority and the thought he'd given to how the office and the role should be managed. He has good administrative skills and has established his own office systems and databases in his current role. Mr Gill demonstrated a keen awareness of the principals of natural justice and his considered answers revealed a compassionate person and a mature attitude. The panel had no doubt in Mr Gill's ability to deliver high quality decisions in a timely manner and considered him to be highly suitable for appointment.

21. If appointed, Mr Gill would resign from his role as Registrar of the Wellington High Court.

[s 9(2)(a)]

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[s 9(2)(a)]

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OFFICIAL INFORMATION ACT

[s 9(2)(a)]

Conflicts of interest

37. All candidates were asked about possible conflicts of interest they might have if they were to be appointed. No conflicts were identified.

Panel assessment

38. The panel concludes that Mr Gill, [s 9(2)(a)] have, in that order, the best array of technical skills and experience as decision makers in a quasi judicial function.

39. While Mr Gill has specified that he would resign as Registrar of the Wellington High Court if appointed, the panel acknowledges that the Associate Minister may have reservations about appointing a former Ministry of Justice employee.

40. [s 9(2)(a)]

41. [Out of Scope]

Referee checks

42. Referee checks on the preferred candidates will be conducted before a paper is submitted to APH.

Summary

43. The panel recommends, in order of preference, the following candidates as highly suitable for appointment as the Authority:

- Mr Roger GILL
[s 9(2)(a)]

[Out of Scope]

[s 9(2)(a)]

✓ Chairperson
For Interview Panel

27 January 2011

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Hon Nathan Guy
Associate Minister of Justice

cc. Hon Simon Power
Minister of Justice

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY AND DEPUTY AUTHORITY – APPOINTMENTS

Date	4 February 2011	File reference	MAP 82
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Action Sought

Timeframe/Deadline

Sign and refer the attached papers for the appointment of the Private Security Personnel Licensing Authority and Deputy Authority to the APH meeting of 15 February 2011.	Refer to Cabinet Office by 10am, 10 February 2011 for APH.
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Contacts for telephone discussion (if required)

Name	Position	Telephone (work)	Telephone (a/h)	1st contact
Jeff Orr	Chief Legal Counsel, Office of Legal Counsel	[s 9(2)(a)]		✓
Rhonda Vanstone	Senior Adviser, Judicial and Statutory Appointments			

Minister's office to complete

- Noted Approved Overtaken by events
 Referred to: _____
 Seen Withdrawn Not seen by Minister

Minister's office comments

DESPATCHED
17 FEB 2011
OFFICE OF ASSOC
MINISTER OF
JUSTICE.



4 February 2011

Hon Nathan Guy
Associate Minister of Justice

cc. Hon Simon Power
Minister of Justice

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY AND DEPUTY AUTHORITY – APPOINTMENTS

Purpose

1. This paper attaches for your signature a memorandum for the Cabinet Appointments and Honours Committee (APH) recommending the appointment of Roder GILL as the Authority for a term of three years, and [Out of Scope]
2. The Minister of Justice, Hon Simon Power, has delegated responsibility for these appointments to you as the Associate Minister of Justice.

Background

3. The Private Security Personnel and Private Investigators Act 2010 provides for the appointment of a Private Security Personnel Licensing Authority and a Deputy Authority. The Act comes into force on 1 April 2011 and the Authority is expected to commence on the same date.
4. Section 87(1) of the Act provides that the Governor-General may, on the recommendation of the Minister of Justice, appoint a person to be the Authority. The Authority is appointed for a term of three years and may be reappointed.
5. The appointee must be a barrister or solicitor of the High Court of not less than five years standing and the office of the Authority may be held concurrently with any other office except a public service position.
6. The Governor-General may, on the recommendation of the Minister of Justice, appoint one or more Deputy Authorities should the Authority be unable, due to absence, to exercise the functions of office, or if the amount of work is more than can reasonably be done by one person. The Deputy Authority is appointed for a fixed term and has all the powers, duties and functions of the Authority, subject to the control of the Authority.

Comment

7. In a briefing dated 31 January 2011, you agreed to recommend Mr Gill [Out of Scope] for appointment as the Authority and [Out of Scope] respectively.
8. Mr Gill is aware of the statutory requirement that the Authority must not be a public servant and he proposes to resign from his role as Manager and Registrar of the Wellington High Court once his appointment is cleared through the Cabinet process.

Recommendations

9. It is recommended that you:

- 9.1 Sign the attached papers recommending the appointment of Roger GILL as the Private Security Personnel Licensing Authority for a term of three years. [Out of Scope] Deputy Authority for a term commencing on 1 April 2011 and expiring on 31 January 2012, and refer to the Cabinet Appointments and Honours Committee.

YES/NO


Jeff Carr
Chief Legal Counsel

APPROVED / SEEN / NOT AGREED


Hon Nathan Guy
Associate Minister of Justice

Date:

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ACT

In Confidence

Office of the Associate Minister of Justice

Cabinet Appointments and Honours Committee

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY AND DEPUTY AUTHORITY – APPOINTMENTS

Proposal

1. That the Committee notes the intention of the Associate Minister of Justice to recommend the appointment of:
 - 1.1. Roger [s 9(2)(a)] GILL as the Private Security Personnel Licensing Authority for a term of three years commencing on 1 April 2011; and
[Out of Scope]

Reason for Proposal

2. This paper proposes the inaugural appointments to the Private Security Personnel Licensing Authority.

Background

3. The Private Security Personnel and Private Investigators Act 2010 was enacted in September 2010. The Act modernises the regulation of the private security and private investigation industry and establishes the new Private Security Personnel Licensing Authority (the Authority). The Act comes into force on 1 April 2011 and the Authority is expected to commence on the same date.
4. The functions of the Authority are:
 - to consider applications for licences and certificates of approval and the issue of licences and certificates of approval
 - to discipline licensees and certificate holders when required
 - to keep registers of licensees and certificate holders.
5. Section 87(1) of the Act provides that the Governor-General may, on the recommendation of the Minister of Justice, appoint a person to be the Authority. The Authority is appointed for a term of three years and may be reappointed.
6. The appointee must be a barrister or solicitor of the High Court of not less than five years' standing and the office of the Authority may be held concurrently with any other office except a public service position.

7. The Governor-General may, on the recommendation of the Minister of Justice, appoint one or more Deputy Authorities should the Authority be unable, due to absence, to exercise the functions of office, or if the amount of work is more than can reasonably be done by one person. The Deputy Authority is appointed for a fixed term and has all the powers, duties and functions of the Authority, subject to the control of the Authority.
8. The Ministry of Justice predicts a caseload requiring a full-time Authority in the initial 12 months following commencement of the Act. This is likely to reduce to 60-80% of full-time in subsequent years.
9. It is also expected that there will be an increased number of license applications to be considered prior to the Rugby World Cup and that a Deputy Authority will be required in the first nine months following commencement.
10. The functions of the Authority are similar to those currently carried out by the Registrar of Private Investigators and Security Guards under the Private Investigators and Security Guards Act 1974. The Registrar, Mr Michael Tolhurst, will remain in office until 31 October 2011 to determine applications and proceedings made under the 1974 legislation.

Appointment process and consultation

11. I can confirm that an appropriate process has been followed in selecting the proposed appointees, in terms of the State Services Commission (SSC) appointment guidelines.
12. The positions were publicly advertised in the major daily newspapers and the New Zealand Law Society publication, *Law Talk*. Ministers were invited to submit nominations and the New Zealand Law Society, the New Zealand Security Association and the New Zealand Institute of Professional Investigators were each advised of my intention to advertise the positions.
13. Fourteen expressions of interest were received and I approved a short-list of seven candidates for interview. An assessment panel chaired by a former District Court Judge interviewed the candidates and provided me with recommendations.
14. The Minister of Justice, Hon Simon Power, has delegated responsibility for these appointments to me as the Associate Minister of Justice. He has been consulted and agrees with these appointments.

Proposed appointees

Authority

15. Roger Gill was admitted to the Bar in 1980. He has 16 years experience as Chief Executive of four national organisations. He was the Chief Executive of the Investment Savings and Insurance Association of New Zealand from 1996 to 1998,

[s 9(2)(a)]

and the Executive Director of the New Zealand Stock Exchange from 1982 to 1991. For the past 12 years Mr Gill has been a Registrar and Manager of the Wellington High Court. As the Manager, Mr Gill has presided over probate matters and cost revisions. As well as a Bachelor of Laws, Mr Gill has a Bachelor of Arts degree.

16. Mr Gill is aware of the statutory requirement that the Authority must not be a public servant and he proposes to resign from his role as Manager and Registrar of the Wellington High Court once his appointment is cleared through the Cabinet process.

Deputy Authority

[Out of Scope]

Composition and representativeness of appointment

19. Representativeness was not identified as a specific consideration in making a selection for these positions. In terms of geographic representation, I note that Mr Gill is located in Wellington [Out of Scope]

Conflicts of interest

20. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out in accordance with SSC appointment guidelines, and that no conflicts of interest that could reasonably be identified, have been identified.

Remuneration

21. In accordance with the classification for a 'group 2, level 3' statutory tribunal and authority under the Cabinet approved fees framework [CO (09) 5 refers], the [s 9(2)(a)]

Publicity

22. These appointments will be the subject of a press statement.

Recommendations

23. It is recommended that the Committee notes the intention of the Associate Minister of Justice to recommend the appointments of:

23.1 Roger [s 9(2)(a)] GILL as the Private Security Personnel Licensing Authority for a term of three years commencing on 1 April 2011, and [Out of Scope]



Hon. Nathan Guy
Associate Minister of Justice

Date signed: 7/2/11.

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OFFICIAL INFORMATION ACT

Curriculum Vitae Form

All sections must be completed.
This form should be completed in consultation with the candidate where possible.
This form is available at www.dpmc.govt.nz/cabinet.

Name (family name in upper case; include title if appropriate)	GILL Roger [s 9(2)(a)]
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The Position

Organisation	Private Security Personnel Licensing Authority
Position (Chair/member etc)	Authority
Term	3 years
Payment (per day and/or per year)	In accordance with the CFF [CO (09) 5 refers] for a 'group 2 level 3' statutory tribunal and authority, the Authority is paid at [s 9(2)(a)]

How the Candidate Meets the Needs of the Position

Skills and attributes the candidate will bring to the position (eg: business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Roger Gill was admitted to the bar in 1980. He has 16 years experience as Chief Executive of four national organisations. He was the Chief Executive of the Investment Savings and Insurance Association of New Zealand from 1996 to 1998, the [s 9(2)(a)] and the Executive Director of the New Zealand Stock Exchange from 1982 to 1991. For the past 12 years Mr Gill has been a Registrar and Manager of the Wellington High Court. As the Manager, Mr Gill has presided over probate matters and cost revisions. As well as a Bachelor of Laws, Mr Gill has a Bachelor of Arts degree.
Possible conflicts of interest	Appropriate enquiries concerning conflicts of interest have been carried out in accordance with SSC appointment guidelines, and any conflict of interest that could reasonably be identified, has been identified. Mr Gill is aware of the statutory requirement that the Authority must not be a public servant and he proposes to resign from his role as Manager and Registrar of the Wellington High Court.
Proposals for conflict management (if applicable)	Not applicable.

The Candidate

Name (family name in upper case; include title if appropriate)	GILL Roger [s 9(2)(a)]
Address	[s 9(2)(a)]
Citizenship (if not New Zealand) Age	[s 9(2)(a)]
Current or most recent employment (specify position and employer, include years)	Manager and Registrar of the Wellington High Court, Ministry of Justice, 1998-current Chief Executive, Investment Savings and Insurance Association of New Zealand, 1996-98 [s 9(2)(a)] Executive Director, New Zealand Stock Exchange, 1982-91 [s 9(2)(a)]
Government board appointments held (current and previous, include years)	None specified
Private and/or voluntary sector board appointments held (current and previous, include years)	[s 9(2)(a)]
Qualifications and experience (include significant work history and community involvement)	- Admitted to the Bar as a Barrister & Solicitor of the High Court of New Zealand, 1980 - LLB - BA

Date: 4 February 2011



Office of Hon Nathan Guy

MP for Otaki
Minister of Internal Affairs
Associate Minister of Justice

Associate Minister of Transport
Minister Responsible for Archives New Zealand
Minister Responsible for the National Library

*Reviewed.
RGG
01/03/2011.*

01 MAR 2011

Mr Niels Holm
Official Secretary
GOVERNMENT HOUSE

Dear Mr Holm

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY AND DEPUTY AUTHORITY

I attach for reference to His Excellency the Governor-General papers for the appointment of Mr Roger Gill as the Private Security Personnel Licensing Authority for a term of three years from 1 April 2011 [Out of Scope] as the Deputy Private Security Personnel Licensing Authority for a term commencing on 1 April 2011 and expiring 31 January 2012.

The roles of Private Security Personnel Licensing Authority and Deputy Authority are established by the new Private Security Personnel and Private Investigators Act 2010 which was enacted in September 2010. The Act comes into force on 1 April 2011 and the Authority is expected to commence on the same date.

The Authority is responsible for the licensing and discipline of private security personnel and private investigators.

The Authority shall hold office for a term of three years from the date of the appointment and may be reappointed (section 90 of the Act).

The Governor-General may, on the recommendation of the Minister of Justice, appoint one or more Deputy Authorities for a fixed term who has the same powers, duties and functions of the Authority (section 91 of the Act).

The Authority must be a barrister or solicitor of not less than five years standing and must not be a public servant (section 89 of the Act).

Mr Gill was admitted to the Bar in 1980. He has 16 years experience as Chief Executive of four national organisations. He was the Chief Executive of the Investment Savings and Insurance Association of New Zealand from 1996 to 1998, [s 9(2)(a)]

and the Executive Director of the New Zealand Stock Exchange from 1982 to 1991. For the past 12 years

Mr Gill has been a Registrar and Manager of the Wellington High Court. As the Manager, Mr Gill has presided over probate matters and cost revisions. As well as a Bachelor of Laws, Mr Gill also as a Bachelor of Arts degree.

[Out of Scope]

Yours sincerely



Hon Nathan Guy
Associate Minister of Justice

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Appointment of the Private Security Personnel Licensing Authority

Governor-General

Pursuant to section 87(1) of the Private Security Personnel and Private Investigators Act 2010, I, The Right Honourable Sir Anand Satyanand, GNZM, GSO, Governor-General of New Zealand hereby appoint:

Roger [s 9(2)(a)]

call

of Wellington, to be the Private Security Personnel Licensing Authority for a term of three years commencing on and from 1 April 2011.

Given under the hand of His Excellency the Governor-General and issued on this 4 day of March 2011.

Hon Nathan Guy
for Minister of Justice

OFFICIAL INFORMATION ACT



Cabinet Appointments and Honours Committee

APH (14) 2

Copy No: 23

Summary of Paper

7 February 2014

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Private Security Personnel Licensing Authority: Reappointment

Portfolio	Justice
Purpose	This paper notes that the Minister of Justice (the Minister) intends to recommend that the Governor-General make one reappointment to the Private Security Personnel Licensing Authority (the Authority).
Previous Consideration	None.
Summary	<p>The Private Security Personnel and Private Investigators Act 2010 modernised the regulation of the private security and private investigation industry, and established the Authority. The functions of the Authority are to:</p> <ul style="list-style-type: none"> • consider applications for licences and certificates of approval, and the issue of licences and certificates of approval; • discipline licensees and certificate holders when required; • keep registers of licensees and certificate holders. <p>Appointments are made by the Governor-General on the recommendation of the Minister of Justice. The Authority must be a barrister or solicitor of the High Court of no less than five years standing, and must not concurrently hold a public service position.</p> <p>The Minister intends to recommend that the Governor-General reappoint Roger Gill as the Authority. Mr Gill was initially appointed to the Authority in 2011. He was admitted to the Bar in 1980, and has experience as chief executive or executive director of four national organisations – the Investment Savings and Insurance Association of New Zealand, [s 9(2)(a)] and the New Zealand Stock Exchange. He is a former Registrar and Manager of the Wellington High Court.</p>
Conflict of Interest	No potential conflicts of interest have been identified.
Fees/Conditions	The fees are set under the Cabinet Fees Framework. The Authority receives [s 9(2)(a)]
Timing Issues	The term of reappointment is for three years commencing on 1 April 2014.

Announcement No press statement is planned.

Consultation Paper prepared by MoJ.

The Minister of Justice indicates that discussion is not required with the government caucus and will occur with the other parties represented in Parliament.

The Minister of Justice recommends that the Committee:

- 1 note that the Minister of Justice (the Minister) intends to recommend that the Governor-General reappoint Roger [s 9(2)(a)] GILL [CV page 4] as the Private Security Personnel Licensing Authority for a term of three years commencing on 1 April 2014;
- 2 note that the Minister indicates that discussion is not required with the government caucus.

Suzanne Howard
Committee Secretary

Distribution:
Cabinet Appointments and Honours Committee
Secretary for Justice

In Confidence

Office of the Minister of Justice

Cabinet Appointments and Honours Committee

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY - REAPPOINTMENT

Proposal

1. That the Committee notes the intention of the Minister of Justice to recommend the reappointment of Roger [s 9(2)(a)] GILL as the Private Security Personnel Licensing Authority (the Authority) for a further term of three years commencing on 1 April 2014.

Reason for Proposal

2. The term of appointment of Mr Gill as the Authority expires on 1 April 2014. He will then have completed one term in office.

Background

3. The Private Security Personnel and Private Investigators Act 2010 (the Act) modernised the regulation of the private security and private investigation industry and established the Authority. The Act came into effect on 1 April 2011.
4. The functions of the Authority are:
 - to consider applications for licences and certificates of approval and the issue of licences and certificates of approval
 - to discipline licensees and certificate holders when required
 - to keep registers of licensees and certificate holders.
5. Section 87(1) of the Act provides that the Governor-General may, on the recommendation of the Minister of Justice, appoint a person to be the Authority.
6. The Authority is appointed for a term of three years and may be reappointed.
7. The appointee must be a barrister or solicitor of the High Court of not less than five years' standing and the office of the Authority may be held concurrently with any other office except a public service position.

Proposed appointee

8. Roger Gill was admitted to the Bar in 1980. He has 16 years experience as Chief Executive of four national organisations. He was the Chief Executive of the Investment Savings and Insurance Association of New Zealand from 1996 to 1998. [s 9(2)(a)]

and the Executive Director of the New Zealand Stock Exchange from 1982 to 1991. From 1999 to 2011 Mr Gill was Registrar and Manager of the Wellington High Court. As well as a Bachelor of Laws, Mr Gill has a Bachelor of Arts degree.

Appointment process

9. I can confirm that an appropriate process has been followed in selecting the proposed appointee in terms of the State Services Commission (SSC) appointment guidelines.
10. Mr Gill was identified for appointment in 2011 through a public advertising process that included interviews by an assessment panel chaired by a District Court Judge.

Conflicts of interest

11. I can confirm that appropriate enquiries concerning conflicts of interest have been carried out in accordance with SSC appointment guidelines, and that no conflicts of interest that could reasonably be identified, have been identified.

Composition and representativeness of appointment

12. Representativeness was not identified as a specific consideration in this appointment.

Remuneration

13. The Authority is classified as a Group 2, Level 3 body in accordance with the Cabinet Fees Framework [CO (12) 6 refers]. The Authority is paid a fee [s 9(2)(a)]

Publicity

14. No press statement is planned.

Recommendation

15. It is recommended that the Committee notes the intention of the Minister of Justice to recommend the reappointment of Roger [s 9(2)(a)] GILL as the Private Security Personnel Licensing Authority for a term of three years commencing on 1 April 2014.


Hon Judith Collins
Minister of Justice

Date signed:

21.1.14

Current Membership Form Cabinet Appointments and Honours Committee

All sections must be completed

Organisation

PRIVATE SECURITY PERSONNEL LICENSING AUTHORITY

Current membership

List members, including those being replaced or reappointed but excluding the proposed new appointees

Name	Age	City/Town	Date of original appointment	Expiry date of present term
Roger [s 9(2)(a)] GILL	[s 9(2)(a)]		01 Apr 2011	31 Mar 2014

Brief outline of the functions and responsibilities of the organisation

The Private Security Personnel Licensing Authority is provided for by the Private Security Personnel and Private Investigators Act 2010.

The functions of the Authority are:

- to consider applications for licenses and certificates of approval and the issue of licenses and certificates of approval
- to discipline licensees and certificate holders when required
- to keep registers of licensees and certificate holders.

Date: 31 December 2013

RELEASED UNDER THE OFFICIAL INFORMATION ACT

Curriculum Vitae Form

All sections must be completed.
This form should be completed in consultation with the candidate where possible.
This form is available at www.dpmc.govt.nz/cabinet.

Name (family name in upper case; include title if appropriate)	GILL Roger [s 9(2)(a)]
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The Position

Organisation	Private Security Personnel Licensing Authority
Position (Chair/member etc)	Authority
Term	3 years
Payment (per day and/or per year)	In accordance with the OPE [CO (12) 6 refers] for a 'group 2 level 3' statutory tribunal and authority, the Authority is paid [s 9(2)(a)]

How the Candidate Meets the Needs of the Position

Skills and attributes the candidate will bring to the position (eg: business skills, community involvement, cultural awareness, regional perspective – as relevant to the needs of the position)	Roger Gill has been the Authority since 2011. He was admitted to the bar in 1980 and has 16 years experience as Chief Executive of four national organisations. He was the Chief Executive of the Investment Savings and Insurance Association of New Zealand from 1996 to 1998, the [s 9(2)(a)] Executive Director of the New Zealand Stock Exchange from 1982 to 1991. For 12 years prior to his appointment Mr Gill was Registrar and Manager of the Wellington High Court. As the Manager, Mr Gill presided over probate matters and cost revisions. As well as a Bachelor of Laws, Mr Gill has a Bachelor of Arts degree.
Possible conflicts of interest	Appropriate enquiries concerning conflicts of interest have been carried out in accordance with SSC appointment guidelines, and any conflict of interest that could reasonably be identified, has been identified.
Proposals for conflict management (if applicable)	Not applicable.

The Candidate

Name (family name in upper case; include title if appropriate)	GILL Roger [s 9(2)(a)]
Address	[s 9(2)(a)]
Citizenship (if not New Zealand) Age	[s 9(2)(a)]
Current or most recent employment (specify position and employer, include years)	Private Security Personnel Licensing Authority, 2011-current Manager and Registrar of the Wellington High Court, Ministry of Justice, 1998-2011 Chief Executive, Investment Savings and Insurance Association of New Zealand, 1996-98 [s 9(2)(a)] Executive Director, New Zealand Stock Exchange, 1982-91 [s 9(2)(a)]
Government board appointments held (current and previous, include years)	Private Security Personnel Licensing Authority, 2011-current
Private and/or voluntary sector appointments held (current and previous, include years)	[s 9(2)(a)]
Qualifications and experience (include significant work history and community involvement)	- Admitted to the Bar as a Barrister & Solicitor of the High Court of New Zealand, 1980 - LLB - BA

Date: 31 December 2013

Consultation on Cabinet and Cabinet Committee Submissions

Certification by Department:

Guidance on consultation requirements for Cabinet/Cabinet committee papers is provided in the CabGuide (see Procedures: Consultation): <http://www.cabguide.cabinetoffice.govt.nz/procedures/consultation>

Departments/agencies consulted: The attached submission has implications for the following departments/agencies whose views have been sought and are accurately reflected in the submission:
n.i

Departments/agencies informed: In addition to those listed above, the following department/agencies have an interest in the submission and have been informed:
n.i

Others consulted: Other interested groups have been consulted as follows:
n.i

Name, Title, Department: *Tania Warburton*
Jeff Orr, Chief Legal Counsel, Office of Legal Counsel, Ministry of Justice
Acting

Date: *8 / 1 / 14* Signature: *[Signature]*

Certification by Minister:

Ministers should be prepared to update and amplify the advice below when the submission is discussed at Cabinet/Cabinet committee.

The attached proposal:

Consultation at Ministerial level has been consulted with the Minister of Finance [required for all submissions seeking new funding]
 has been consulted with the following portfolio Ministers:
 did not need consultation with other Ministers

Discussion with National caucus has been or will be discussed with the government caucus
 does not need discussion with the government caucus

Discussion with other parties has been discussed with the following other parties represented in Parliament:
 Act Party Maori Party United Future Party
 Other [specify]
 will be discussed with the following other parties represented in Parliament:
 Act Party Maori Party United Future Party
 Other [specify]
 does not need discussion with other parties represented in Parliament

Portfolio: _____ Date: *21 / 1 / 14* Signature: *[Signature]*



Justice Centre | 19 Alken Street

DX SX10088 | Wellington

T: 04 918 8800 | F: 04 918 8820

E: info@justice.govt.nz | W: www.justice.govt.nz

12 OCT 2016

Grace Haden
grace@verisure.co.nz

Dear Ms Haden

I refer to your email of 14 September 2016 in reply to correspondence from Tania Ott, General Manager Special Jurisdictions, in relation to the Private Security Personnel Licensing Authority (PSPLA).

In addition to reiterating the points made in your earlier emails to the Minister, you have requested that we advise you, under the Official Information Act 1982:

1. How if the statutory obligations are with the minister, that you can make a call on this
2. How is it that you are qualified legally and have the legal authority to provide this decision
3. Please provide your definition of "Is a barrister or solicitor of the High Court"
4. I note that Mr Gill uses a ministry of justice email address, could you please confirm if he is employed by the ministry of justice
5. If legal advice on this matter was sought

Mr Gill is not an employee of the Ministry but an independent statutory officer. The Ministry provides him with a Ministry email address as part of the administrative services it is required to provide under s 95 of the Private Security Personnel and Private Investigators Act 2010.

I note that in recommending Mr Gill's appointment to the Minister, the Ministry satisfied itself, on the basis of legal advice, that he was qualified for appointment despite his no longer holding a practising certificate.

I trust this answers your questions. If you are not satisfied with my response to your request you have the right to make a complaint to the Ombudsman under section 28(3) of the OIA. The Ombudsman may be contacted by writing to the Office of Ombudsman at PO Box 10152, Wellington 6143, by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz.

I trust this answers your questions.

Yours sincerely

J. W. Shannon

Jacquelyn Shannon
Group Manager, Courts and Tribunals, Regional Service Delivery

Ref: 58894